

Summary of
PROPOSED DRAFT OF REPLY TO AMBASSADOR

According to its rough draft the State Department sees only two proposals for change in the Japanese reply which may cause difficulty.

The first is a proposal to add to the Japanese draft protocol a paragraph concerning suspension in the event of hostilities in the "Japanese area". The present Korean conflict is not included. In the event of such suspension there would be renegotiation.

The second proposal is to include in the official minutes a declaration that Japan intends to waive primary rights to exercise jurisdiction except in cases of particular interest or importance to Japan. If it can be accomplished, the State Department would prefer that the waiver arrangement remain unclassified. It is stated that in the event such waiver may be made public, it could be done along the lines of the Japanese proposal of September, 1952, wherein their waiver of minor offenses was suggested but that normally they would exercise jurisdiction over major offenses such as murder, arson, rape and robbery. If such agreements are set forth in the minutes, it is suggested that the Japanese might be willing to give oral assurances that they will normally waive jurisdiction over even the major offenses.

It was further set forth in the State Department draft that "Although information may not be made public, the United States is planning to seek arrangements with the NATO countries for waiver of local criminal jurisdiction in the maximum number of cases without bearing unfavorably on the general relations between the United States and the countries concerned".